Forensic Psychology case study essay

Forensic psychology (Swinburne University of Technology)

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FOR10001- Introduction to Forensic Psychology

Assessment two: Essay

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Is eyewitness identification reliable in criminal cases? Or more specifically, is witness identification as reliable as it should be considering the implications of it when applied to a court of law? It's a question that psychology has endeavored to understand through the study of memory in its various aspects, when applied to law it falls into the fairly new realm of forensic psychology; the study of psychology and law. Whilst most professionals will agree that eyewitness identification is an essential component of the judicial system it seems to have some pitfalls that call for further analysis of credibility and weight given to this form of evidence. Scientific research in the area of memory shows it to be a complex, imperfect and malleable system (Pashler, 2013), in which accuracy of memory can rely heavily on situational/environmental factors, biases, and stressors- dubbed estimator variables which are beyond the control of the judicial system and rely much on witness memory. When eyewitness identification is mistaken it can have irreparable consequences and result in loss of civil liberties for implicated individuals. Around 75% of individuals exonerated for crimes they did not commit via DNA technique advancement involved mistaken identification by eyewitnesses (Wells, 2014). A good example of this is the case of Ronald Cotton, who after serving over 10 years in prison was exonerated in the light of forensic DNA testing ("Ronald Cotton - Innocence Project", 2017).

This case begins in July of 1984 when an unknown male broke into Jennifer Thompson-Canine's apartment and sexually assaulted her at knife point (Lab, 2017). Jennifer professed she made the conscious effort to study and remember the face of the perpetrator whilst he was assaulting her so she would later be able to identify him to police (www.innocenceproject.org). Jennifer lived through her assault and went to police straight after the attack; they worked with her to provide a composite sketch of the perpetrator which provided police with potential suspects, one of which was Ronald Cotton (Lab, 2017). Police conducted a photo lineup of suspects after 5 minutes of deliberation Jennifer pointed to the photo of Cotton and said she that looked like perpetrator and she 'thinks' it is him. Soon after the photo lineup police conducted a live lineup in which Jennifer again identified Cotton this time with 100% certainty ("Ronald Cotton - Innocence Project", 2017). The evidence against Cotton was highly circumstantial, Jennifer's eyewitness testimony and identification of Cotton being the key evidence that the prosecution relied on to secure the conviction. In January of 1985 Ronald Cotton was found guilty of rape and burglary and handed down life in prison plus 54 years in a post conviction trial ("Ronald Cotton - Innocence Project", 2017). Cotton tried to appeal the conviction numerous times unsuccessfully, his break come in 1995 when the Burlington Police Department gave all evidence against Cotton to the defense which included a DNA sample from the perpetrator. The DNA test cleared Cotton and in 1995, after serving 10.5

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years in prison Ronald Cotton was exonerated of all wrongdoings and released from prison ("Ronald Cotton - Innocence Project", 2017). So how did Jennifer, who believed with 100% certainly this was the man whom assaulted her, and also admitted to attention to finer details during the assault make this crucial error in judgment? Psychological research can aid us in the understanding of how malleable memory can be, in the next section two factors will be explored that may help explain how this can come to be.

Post-identification feedback could have been at work in this case, after the identification of Cotton in the photo array Jennifer asked police – "how did I do"? To which the officer responded- 'you did great Ms. Thompson" (Garrett, 2017), the police also failed to ask Jennifer how sure she was that this was the perpetrator, they only mentioned she needed to be sure. During the live line up it was asked if she would like the line up repeated, to which she agreed but before any action was taken she said Cotton (number 5) "looked most like him", to which the police asked if she was certain and remarked that "they thought that might be the guy" "it's the same person you picked from the photos". Could these seemingly innocent exchanges have played a role in a wrongful conviction? A study by (Smalarz & Wells, 2014), suggests it's a possibility. This study built from previous research in the area of post-identification feedback by Douglass et al. (2010) and MacLean et al. (2011), which focused on how post-identification feedback may affect the credibility of mistaken eyewitness in court when the witness testifies to their account and is evaluated by jury. The authors hypothesized that giving confirming feedback to accurate and mistaken eyewitnesses would have negative impact on the ability of evaluators to discriminate between accurate and mistaken eyewitness testimony. Confirming feedback was defined in this study by not informing the witness that the real perpetrator may not actually be in the lineup. Participants of this study were recruited from university, the method in this experiment was two phase, phase one involved getting the participants to watch a 28 second clip of a man switching a bag in an airport. After viewing the video they were then told the purpose of this study was to identify the man from the video as the bag he left in the airport contained a bomb. Participants were then randomly assigned to two groups, one group receiving confirming feedback and the second receiving none. They were then asked to give testimony of their identification which was recorded and played to evaluating participants that were asked to judge at their discretion if the account was accurate or not. The results yielded some surprising conclusions; the evaluating participants were easily able to discriminate between accurate and inaccurate testimony when the participant had *not* received post-identification feedback. However when the inaccurate witness was given post identification feedback, evaluating members believed their testimony to the same extent that

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they believed the accurate testimony reflecting negative impact upon their discretion. The results sound impressive but have their limitations; the external validity was compromised by the fact they obtained identifications from all witnesses, they were not given a no ID option, but this method was favored for the mere fact this could be considered a common occurrence during this process, which strengthened the internal validity of the study and overall impact. When weighting these findings and the case of Ronald Cotton, Jennifer was not only uninformed the suspect may not be present in the lineup, she also received confirming feedback by officials about her selection of suspect which arguably could have inflated false confidence and recollection of the crime which could have lead to a more compelling false testimony against Cotton that perhaps could have been detected by jury had Jennifer not received any feedback by officials.

This is only one of a few things that could have impacted the outcome of Cotton's false conviction; another perspective to consider is shown in the study of (Carlson, Dias, Weatherford & Carlson, 2017) a factorial designed experiment which focuses on determining how confident a witness was likely to be during the lineup procedure after the commission of a crime involving a weapon. Based on research of The Weapons Theory Effect that holds when a weapon is presented by an assailant during a crime it has negative impact upon the witness's memory of the crime including being able to correctly identify the perpetrator. It hypothesizes that witnesses won't consider fully the distraction a weapon presents during a crime so can't account for how it may negatively affect their memory leading to possible false convictions based on inflated levels of confidence and accuracy in identification of suspect. It also predicted that a crime involving a concealed weapon should have the same negative impact upon memory as Weapons Effect Theory providing the witness notices that the perpetrator is in fact carrying a weapon, which was the first time this scenario had been in any form tested. The participants included 655 university students with a further 579 participants recruited through a nationwide survey sample. The authors created three different versions of a mock crime on video all in which the actors are the same and the perpetrator states he has a gun. In one on version a weapon is physically produced, another version the weapon is referred to and the perpetrator is visibly seen holding it in his pocket, and the third version there was no visible weapon. The authors selected the perpetrator present and the perpetrator absent lineups using double blind techniques to account for selection bias. Participants were placed into groups and asked to watch the video paying attention to detail, but not told what they would later be asked to do. After a 5-10 minute break they were told the perpetrator of the crime may or may not be present in the lineup but their goal was to identify him or indicate that they couldn't. Immediately following this the participants were asked to rate their confidence levels in their selection. The

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results reflected support for the Weapons Theory Effect showing participants were less likely to make a correct identification or no identification when watching the crime in which the weapon was produced. Surprisingly the findings reflected that the participants that watched the crime involving the concealed weapon and no weapon both had higher rates of correct identifications and lesser false identifications. Those that indicated high confidence after identification had higher rates of accurate identification. When relating these findings to the case of Ronald Cotton it could be argued that Jennifer may have been focused more on the weapon produced during the assault than on the assailant even though she proclaims to have paid extra attention to him.

All in all, the findings presented in this paper serve to outline just some of the issues found with eyewitness identifications in the judicial process that may lead to higher rates of false convictions. While appreciating the crucial evidence eyewitness testimony provides, it must be recognized that it is not always accurate and the justice system itself may be able to reduce some of this bias just by implementing procedures to help counteract it. One such procedure is simply stating to the witness before a lineup that the perpetrator may or may not be present in the lineup. The procedures that involve eyewitness testimony, specifically in the area of identification of perpetrators should be heavily regulated using scientific research findings to minimize bias and external influence of the eyewitness as much as possible. Furthermore the area of memory is still not developed enough to be fully understood calling researchers to continue down this line of work to develop a more complex and complete picture of negatively influencing factors. The justice system needs to address these issues in the form of policy and procedures that are strategically designed using scientific research findings on proven methods to minimize eyewitness bias as much as possible and hopefully lower rates of false convictions.

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References

Carlson, C., Dias, J., Weatherford, D., & Carlson, M. (2017). An Investigation of the Weapon Focus Effect and the Confidence–Accuracy Relationship for Eyewitness Identification. Journal Of Applied Research In Memory And Cognition, 6(1), 82-92. http://dx.doi.org/10.1016/j.jarmac.2016.04.001

Garrett, B. (2017). How Eyewitnesses Can Send Innocents to Jail. Slate Magazine. Retrieved 28 August 2017, from http://www.slate.com/articles/news_and_politics/jurisprudence/features/2011/getting_it_wrong_convicting_the_innocent/how_eyewitnesses_can_send_innocents_to_jail.html

Ronald Cotton - Innocence Project. (2017). Innocence Project. Retrieved 10 September 2017, from https://www.innocenceproject.org/cases/ronald-cotton/

Kramer, T., Buckhout, R., & Eugenio, P. (1990). Weapon focus, arousal, and eyewitness memory: Attention must be paid. Law And Human Behavior, 14(2), 167-184. http://dx.doi.org/10.1007/bf0106297

Lab, L. (2017). Forensic Failures: Eyewitness Testimony & The Ronald Cotton Trial. Locard's Lab. Retrieved 24 August 2017, from https://locardslab.com/2015/08/25/forensic-fails-eyewitness-testimony-the-ronald-cotton-trial/

Pashler, H. (2013). Encyclopedia of the mind. Thousand Oaks, CA: SAGE.

Ronald Cotton - Innocence Project. (2017). Innocence Project. Retrieved 24 August 2017, from https://www.innocenceproject.org/cases/ronald-cotton/

Smalarz, L., & Wells, G. (2014). Post-identification feedback to eyewitnesses impairs evaluators' abilities to discriminate between accurate and mistaken testimony. Law And Human Behavior, 38(2), 194-202. http://dx.doi.org/10.1037/lhb0000067

Wells, G. (2014). Eyewitness Identification. Current Directions In Psychological Science, 23(1), 11-16. http://dx.doi.org/10.1177/0963721413504781

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